



## NEWS AND INFORMATION

Alabama Board of Licensure for  
Professional Engineers & Land Surveyors

November 2007

# The Board's Bulletin

### PROPOSED CHANGE TO LICENSURE LAW & ADMINISTRATIVE CODE

The Board has approved, in concept, changes to the Licensure Law and Administrative Code. These are in addition to the changes to the Licensure Law that were made during the last legislative session (See article on Page 4). The proposed Law changes will be submitted to the Legislature for consideration during the 2008 General Session. The Administrative Code changes will be advertised through the Legislative Reference Service.

The changes to the Law will change the method of qualifying comity applicants and will allow the waiver of the Fundamentals of Engineering and Surveying Examinations for those who have approved doctorates. Based on the results of the board composition survey (See article beginning on Page 9) the board is seeking to add 1 PE and 1 PLS to the board. In order to stagger the terms of the two surveyors the initial term of the new PLS will be three years. Subsequent terms will be five years. Changes to the process for nominating board members are also being submitted. To facilitate the adding and removing of societies involved in the nominating process it has been suggested that the language on the nominating committee be in the Administrative Code with only a reference to the procedures being in the Law.

The changes to the Administrative Code will change the process for hearing disciplinary cases. Currently the Board uses the services of an Administrative Law Judge (ALJ) to preside over the hearing, but the

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See "Proposed Changes ..." on p. 13



The Board office receives and processes complaints regarding engineering and land surveying activities. From June 2006 to July 2007 25 investigations were conducted. 18 of those investigations resulted in administrative actions (closing unsubstantiated complaints, letters of warning, and cease and desist letters) which are not considered disciplinary actions and are not listed in the recap of the formal disciplinary actions shown below.

### **Formal Disciplinary Actions**

#### CONTINUING EDUCATION AUDIT ACTION

**Jerry R. Smith**, PE 12568, agreed to a Consent Order on July 20, 2005 that required this matter to be public record, and the suspension of his license to practice engineering in the State of Alabama until such time as he submits the documents requested by the Board to support his claimed continuing professional competency credits on his State of Alabama 2005 professional engineer license renewal application. Further, that failure to provide the requested documents within six months shall cause his license to practice engineering in the State of Alabama to be revoked. Mr. Smith failed to submit the requested documents to the Board in accordance with the agreed upon consent order and his license to practice engineering in the State of Alabama was revoked.

**John W. Barker**, PE 12667, agreed to a consent order that required this matter to be public record and to pay a \$250.00 fine to the Board. Mr. Barker initially failed to respond to the Board's requests that he provide documents that supported his earned continuing professional competency credits for the renewal of his license to practice engineering.

**Robert A. Adkins Jr.**, PE 24554, agreed to a consent order that required this matter to be a public record, to serve two years probation, pay a fine of \$1,500.00 to the Board and to submit for audit his continuing professional competency credits twice within the next seven years. Mr. Adkins further agreed that any violation of the Board's laws or rules during his probationary

period would require an immediate one year suspension of his license. Mr. Adkins initially failed to obtain the professional development hours necessary to renew his license to practice engineering in the State of Alabama.

**James A. Warren**, PLS 18984, was found guilty at a formal hearing for failing to provide documents that verify he had earned the continuing professional competency credits required to renew his license to practice land surveying in the State of Alabama. At the conclusion of the hearing the Board issued an order that required Mr. Warren to pay a \$500.00 fine to the Board. The Order further required the immediate suspension of his license to practice land surveying until such time as he provides the documents to the Board that verify he has earned nine hours of continuing professional competency credits and failure to provide these documents within 180 days will cause his license to be revoked.

#### PRACTICING UNDER A LAPSED LICENSE

**Marvin E. Allen Jr.**, PLS 12696, agreed to a consent order that required this matter to be a public record, his license to practice land surveying in the State of Alabama to be suspended for one year and to pay a \$2,000.00 fine. Mr. Allen performed land surveying services during the time his license to practice land surveying was lapsed.

# PERSONNEL ANNOUNCEMENTS

## **BOARD MEMBERS**

During the past year Governor Riley appointed Mr. Don T. Arkle, PE and Mr. William C. Ulrich, Jr., PE to the Board. Mr. Arkle replaced Mr. Lynn C. Doyle, PE and Mr. Ulrich replaced Dr. Charles D. Haynes, PE. The Board expresses its gratitude and heartfelt appreciation to Dr. Haynes and Mr. Doyle for their service to the State of Alabama and the Engineering and Land Surveying community.

Mr. Arkle serves as Assistant Chief Engineer (Policy & Planning), Alabama Department of Transportation in Montgomery, AL. In this position he supervises 3 ALDOT bureaus engaged in the planning and programming of projects and financial resources. He received his B. S. in Civil Engineering from Auburn University.

Mr. Ulrich is a Chemical Engineer presently employed by Daikin America, Inc. in Decatur, AL. At Daikin he is responsible for the development and continuous improvement of the PSM Program at a fluorochemical and fluoropolymer manufacturing facility. He received his B.S. in Chemical Engineering (with high honors) from the University of Tennessee.

## **STAFF CHANGES**

This year has seen numerous personnel changes. Bob Herbert, Art Price, Wendy Headley, Candy Moore, Richard Deem and Shawndala Harrison have joined the office staff over the past year. Bob and Art work as investigators for the board. Wendy is serving as the Board's legal research assistant, and Richard is responsible for the processing of requests for certificates of authorization and reinstatement of PE/PLS licenses. Candy's duties include processing EI/FE applications, exams and certifications and transcripts. Shawndala serves as the staff accountant.

Bob is retired from the Greensburg (Indiana) Police Department. Prior to his Law Enforcement career he served in the USAF as an Enlisted Forward Air Controller for 5 years.

Shawndala received her Bachelor's Degree in Accounting from Auburn University – Montgomery. She joined the Board staff in October 2006 after working as an examiner with the Alabama Department of Revenue for 2 ½ years.

Rich joined the board in June 2007. He served in the US Army for over 13 years. He has many years of experience in the administration field. Rich holds a Bachelor's Degree in Sociology and a Master's Degree in Pastoral Studies.

Candy joined the Board staff in October 2006. She is new to the office environment but is enjoying starting a new career. She holds both Bachelor's and Master's degrees in Biology from JSU and held highly successful and rewarding career positions as a veterinary technician in private practice and as a Zoo Animal Keeper with the Birmingham, AL Zoo.

Art retired from the USAF after 26½ years of service. He served as the Director of Red Cross Social Services (Montgomery, AL); Special Agent with the Alabama Dept of Revenue; and prior to his retirement he served with the Alabama Ethics Commission. He joined the Board staff in March 2007 as a part-time Investigator. Art holds a Bachelor's Degree from Troy University, and a Master's Degree in Personnel Management.

Wendy joined the Board in June 2007. She was previously employed by the State of Alabama Attorney General's Office in Montgomery, AL. She received her Paralegal Degree from Auburn University.



## RIGHT OF ENTRY ON LAND OF OTHERS BY PROFESSIONAL LAND SURVEYORS

Section 34-11-2(d)(1) of the 1975 Alabama State Code makes provision for Professional Land Surveyors to “go on, over and upon the lands of others ... if necessary to perform surveys for the location of section corners, quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry and utilize equipment and vehicles.”

This provision, however does not give the Professional Surveyor the right “... to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner ...” Any such action could result in civil liability for damages. The Alabama Code instructs the Professional Land Surveyor to make a reasonable effort to notify the land owner before entering his/her land. This notification should be done in a timely and courteous manner. Before entering someone’s land you should identify yourself as a professional land surveyor and explain why it is necessary for you to be on the land owner’s property. Remember, violations of the Alabama Code may result in a formal complaint against the offending Professional Land Surveyor. The Board investigates each such complaint and, if warranted, the offending Professional Land Surveyor could receive disciplinary action. Don’t abuse your rights!

### CHANGES TO TESTIMONY LAW

The Alabama Law Regulating Practice of Engineering and Land Surveying (Code of Alabama 1975, Title 34, Chapter 11) as amended in June 2007 made changes to the “testimony law” as it relates to the practice of engineering.

The amended law strikes the word “testimony” from 34-11-1(7). Previously, the law read “Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, testimony, investigation, evaluation, ...”

The amended law adds the following under 34-11-1(7)

Notwithstanding any other provision of this chapter, in qualifying a witness to offer expert testimony on the practice of engineering, the court shall consider as evidence of his or her expertise whether the proposed witness holds a valid Alabama license for the practice of engineering. Provided, however, such qualification by the court shall not be withheld from an otherwise qualified witness solely on the basis of the failure of the proposed witness to hold such valid Alabama license.

The following was added as 34-11-1(7)(d):

d. The practice of engineering shall include the offering of expert opinion in any legal proceeding in Alabama regarding work legally required to be performed under an Alabama engineer’s license number or seal, which opinion may be given by an engineer licensed in any jurisdiction.

The act of testifying does not include the evaluations, surveys, etc that may need to be done prior to testifying. If engineering analysis needs to be done at a location in Alabama then an Alabama PE needs to be in responsible charge of that work.

## SURVEYING NON-GRADUATES NO LONGER PERMITTED TO APPLY

Effective January 1, 2008 the Board will no longer accept professional land surveyor applications submitted by those who have not graduated from an approved land surveying curriculum as defined below. Only those applications filed with the Board prior to December 31, 2007 will be processed. The current Alabama Law Regulating Practice of Engineering and Land Surveying (Code of Alabama 1975, Title 34, Chapter 11) states:

*Before December 31, 2007 an applicant who has a specific record of eight years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to an eight hour written examination in the fundamentals of land surveying, and after passing the fundamentals examination shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.*

Beginning January 1, 2008 the following will be considered minimum evidence satisfactory to the Board that the applicant is qualified for certification as a Land Surveyor Intern:

◆ *Graduation plus examination.*

Graduation in an approved land surveying curriculum. — A graduate of a land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying shall be certified as a land surveyor intern, if otherwise qualified.

◆ *Graduation and examination plus experience.*

1. Graduation in an approved curriculum related to surveying plus two years experience. — A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional two years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

2. Graduation in a related science curriculum plus four years experience. — A graduate of a related science curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.



## *Disciplinary Actions (Continued from page 2)*

**Marcus D. Phillips**, PLS 24334, agreed to a consent order that required this matter to be a public record, his license to practice land surveying in the State of Alabama to be suspended for six months, two years probation beginning six months from date of Final Order and to pay a \$2,500.00 fine. The consent order also required attendance at a Board approved classroom course relative to the rules and regulations for the submission of applications for onsite sewage disposal systems and the standards of practice for land surveying in the State of Alabama. Further, Mr. Phillips must provide written notice (via certified mail) to each client he performed a survey or application for an onsite sewage disposal system during the time his license to practice land surveying was lapsed. The certified mail return receipt is to be addressed to the Board.

### STANDARDS OF PRACTICE VIOLATIONS

**Joseph E. Conn Jr.**, PLS 9049, was found guilty at a formal hearing for providing surveys that contained violations of the standards of practice for land surveying in the State of Alabama. At the conclusion of the hearing the Board issued an Order that required Mr. Conn to pay a fine of \$1,000.00 to the Board within thirty days. The Order further required Mr. Conn's license to practice land surveying in the State of Alabama to be suspended for one year commencing the date of the order (with that suspension stayed) and for Mr. Conn to serve one year probation commencing the date the stayed suspension of his license to practice land surveying ends.

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### Continuing Professional Competency Audit

Based on random selection, 530 licensees were selected for audit of their earned continuing professional competency credits for the 2007 license renewal. On July 10, 2007 the licensees were sent audit notification letters and were requested to provide the documentation no later than August 31, 2007.

In accordance with the Alabama Administrative Code:

"The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required include but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; (2) attendance verification records in the form of completion certificates, signed attendance receipts, paid receipts, a copy of a listing of attendees signed by the sponsoring organization, or other documents supporting evidence of attendance. These records must be maintained for a period of four years and copies must be furnished, if requested, to the Board for audit verification purposes. These records should not be furnished with the renewal application."

**519** (98%) of the Licensees complied with the audit; 2 Licensees were asked to provide additional information prior to November 21, 2007; 8 Licensees have been notified that the Board has initiated complaint investigations against them for non-compliance; and 1 Licensee's PDH activity is being reviewed for acceptability.

<p><b>A word to the wise:</b> The Alabama Code states specifically "Professional development hours <u>must not be anticipated</u> and cannot be used for more than one renewal period." This means that the PDH credit you claim <b>MUST BE COMPLETED</b> prior to your renewal. You cannot <b>ANTICIPATE</b> the completion of a course and include it on your renewal form. Your signature on the renewal form certifies you have completed at least 15 PDH as of the date you signed it.</p>
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## PDH HOURS: HOW TO EARN THEM AND IF AUDITED HOW TO DEFEND THEM

The continuing education requirement for Alabama licensees is currently set at 15 professional development hours (PDH) annually. This is the level recommended by NCEES. Some variance has been granted in the past for age and comity with states having lesser requirements, but these variances were discontinued beginning with the 2006 licensing cycle. Currently there are no exceptions to the 15 PDH requirement.

Continuing professional competency activities which satisfy the professional development requirement must be relevant to the practice of engineering or land surveying and may include technical, ethical, or managerial content. They may include, but are not limited to:

1. Successfully completing or auditing college or university sponsored courses.
2. Successfully completing courses which are awarded continuing educational units (CEU).
3. Successfully completing tutorials, short courses, correspondence courses, televised courses, or videotaped courses.
4. Attending seminars, in-house programs, workshops, or professional or technical presentations made at meetings, conventions, or conferences.
5. Teaching, presenting, or instructing courses relevant to the practice of engineering or land surveying that include technical, ethical, or managerial content.
6. Authoring published papers, articles, books, or accepted licensing examination items.
7. Receiving a United States patent.

To amplify the importance of PDH to its licensees, the Board increased auditing of PDH in 2006 to include a greater number of licenses. Simply put, the possibility of your being audited has increased considerably.

If you are notified of an audit, how do you provide evidence that you have completed the PDH requirement? Here are a few recommendations (and there are many more):

1. Signed certificates or transcripts attesting to your attendance and completion.
2. An official receipt for the course.
3. Your name (and license number if possible) on a master list certified by someone in responsible charge of the PDH opportunity.
4. A copy of the meeting, convention, or other occasion that incorporated the PDH opportunity, with the PDH sources highlighted and noted.
5. A copy of a flier advertising the course and your course notes attached.
6. Having other licensees attest to your attendance at a PDH opportunity.
7. Providing detailed notes of PDH opportunities, subject content, time duration, and other evidence to prove your attendance.
8. Individual examination scores.

Please remember that the PDH requirement is there to motivate you in maintaining currency on matters that relate to your professional practice. The positive or negative impact of PDH on your career is in your hands. Since they are a requirement for continued licensure, why not make the most of them?

### SPECIAL THANKS!

The Board wishes to thank the professional engineers and land surveyors who serve and have served as technical advisors to the Board. These individuals generously give their time and expertise and the Board appreciates their assistance and commitment to the professions of engineering and land surveying.

## 2007 LICENSE RENEWAL STATISTICS

Total renewals:	PE/LS	13,383
	EI/LSI	1,375
On-Line Renewals:	PE/LS	9,656 (72%)
	EI/LSI	1,115 (81%)
Paper Renewals:	PE/LS	3,727 (28%)
	EI/LSI	260 (19%)

2008 online renewals for PE, PLS, EI and LSI were available **October 1, 2007**. A postcard was mailed in late September to the address listed in our records. Please update your address if you have moved since your last renewal.

Online renewals for certificates of authorization will be available December 1, 2007.

No transaction fee will be charged for online renewals.

### Alabama Engineering Pass Rates

	FE EXAM # Taking / % Passing	PE EXAM # Taking / % Passing
All Candidates	417 49%	212 49%
ABET Grad	393 50%	NA

### Alabama Land Surveying Pass Rates

Test Title	# Taking Test	% Passed
Fundamentals of LS	58	38%
Principles & Practices of LS	17	65%
AL Standards, History & Law	28	82%

\*For national pass rates, visit [http://www.ncees.org/exams/pass\\_rates/](http://www.ncees.org/exams/pass_rates/)



COMPLAINTS	2005	2006	2007 <sup>1</sup>
Professional Engineer	24	15	10
Professional Land Surveyor	31	16	16
Unlicensed Engineering	13	6	8
Unlicensed Surveying	2	1	6
Engineer Intern	0	1	0
Exam Candidates	0	4	0
TOTALS	70	43	40

<sup>1</sup> As of August 6, 2007



## BOARD COMPOSITION SURVEY RESULTS

In an effort to maximize the effectiveness of the Board, a survey was sent to all Licensed Alabama Professional Engineers and Land Surveyors asking for input relative to the composition of the Board. There were 13,975 surveys sent to 12,797 PE's and 1,178 PLS's. A total of 3,459 responded to the survey. The results of the survey are shown below. (Notice the comments interspersed throughout. These are random comments and do not necessarily reflect the thoughts of the Board).



1. Should the Board be a combined board regulating engineering & land surveying or be split into two separate boards?

OPTION	PE %	PLS %	PE/PLS %	ANON %	TOTAL %
Combined	79.6	53.4	81.0	62.8	77.2
Separated	19.0	43.1	17.5	37.2	21.3
No Reply					1.6

*PLS are about 10% of PE/PLS population. They make up 20% of board. There is no reason to increase. The current system is not broken. Do not fix it.*

2. If the decision is to remain a combined board, how many board members from engineering and land surveying should serve?

- |                                 |   |
|---------------------------------|---|
| a. Stay the Same                | e. Increase to 7 (5 PE & 2 PLS)                     |
| b. Increase to 6 (4 PE & 2 PLS) | f. Increase to 8 (5 PE & 3 PLS)                     |
| c. Increase to 7 (4 PE & 3 PLS) | g. Increase to 9 (6 PE & 3 PLS)                     |
| d. Increase to 6 (5 PE & 1 PLS) | h. Increase to 9 (5 PE, 2 PLS & 2 either PE or PLS) |

OPTION	PE%	PLS%	PE/PLS%	ANON%	TOTAL%
Same	56.8	16.9	43.7	55.8	52.8
4/2	10.4	25.6	14.3	7.0	11.9
4/3	2.7	29.7	9.5	2.3	5.3
5/1	7.0	0.0	2.4	1.4	6.3
5/2	12.2	5.5	9.5	4.7	11.4

5/3	1.2	6.6	1.6	2.3	1.7
6/3	1.7	3.0	6.3	2.3	2.0
5/2/5	1.0	0.0	1.6	2.3	0.9
Other	3.1	8.6	6.4	0.0	3.7
No Reply	3.9	4.1	4.8	9.3	4.0

3. If the decision is to remain a combined board, how many board members from engineering and land surveying should serve? Identify all options that are acceptable.

- |                                 |   |
|---------------------------------|---|
| a. Stay the Same                | e. Increase to 7 (5 PE & 2 PLS)                     |
| b. Increase to 6 (4 PE & 2 PLS) | f. Increase to 8 (5 PE & 3 PLS)                     |
| c. Increase to 7 (4 PE & 3 PLS) | g. Increase to 9 (6 PE & 3 PLS)                     |
| d. Increase to 6 (5 PE & 1 PLS) | h. Increase to 9 (5 PE, 2 PLS & 2 either PE or PLS) |

(Note: Multiple votes - % was calculated by dividing the votes/maximum number of votes possible)

Option	PE%	PLS%	PE/PLS%	ANON%	TOTAL%
Same	66.3	18.6	50.0	53.5	61.4
4/2	17.3	31.7	18.2	9.3	18.5
4/3	6.3	35.5	11.1	2.3	9.0
5/1	14.6	0.7	3.2	23.3	13.1

5/2	19.8	9.3	20.6	16.3	18.9
5/3	3.8	15.9	6.3	2.3	4.9
6/3	4.3	10.3	10.3	2.3	5.0
5/2/2	3.2	1.7	5.6	7.0	5.0
No Reply	5.5	6.6	5.6	9.3	5.6

*The board has traditionally represented the various disciplines in a fair manner, in my opinion, without complicated and cumbersome rules. Our selection process assures that we have ethical and qualified members. Let's continue to let them operate the board's business without burdening them.*

## Survey (Continued from page 9)

4. If the decision is to separate into two boards, should the two boards have ...

- a. One staff serving the two boards with the same fee structure
- b. One staff serving the two boards with separate fee structure
- c. Separate staffs with separate funding

OPTION	PE %	PLS %	PE/PLS %	ANON %	TOTAL %
Yes	53.2	75.2	50.0	44.2	54.9
No	39.4	13.8	40.5	30.2	37.1
Other	0.1	0	0	0	0.1
No Reply	7.3	11.0	9.5	25.6	8.0

*Engineering and land surveying are very inter-related and separating into two boards will cause conflict. Making mandated disciplines may eliminate an otherwise great board member by establishing a quota system. Limiting terms to 1 four-year appointment keeps the board fresh and allows more professionals the opportunity to serve.*

5. If the decision is to remain a combined board and assuming there is more than one PLS on the Board, should the workings of the Board be divided into a committee structure where engineering issues are decided by the engineers and the surveying issues are decided by the surveyors?

OPTION	PE%	PLS%	PE/PLS%	ANON%	TOTAL%
Yes	52.3	75.2	50.0	44.2	54.9
No	39.4	13.8	40.5	30.2	37.1
Other	0.1	0	0	0	0.1
No Reply	7.3	11.0	9.5	25.6	8.0

6. Should geographical diversification be mandated by splitting the state into regions and designating certain board member positions to be filled from those regions?

OPTION	PE%	PLS%	PE/PLS%	ANON%	TOTAL%
Yes	24.5	41.4	35.7	23.2	26.4
No	70.7	47.2	55.6	62.8	67.9
No Reply	4.8	11.4	8.7	14.0	5.7

*I don't believe that geographical diversification should be mandated; however, the board positions should not all be filled by PE's or PLS's from Huntsville, Birmingham, Montgomery and Mobile. I support having at least 5 PE's on the board with, to the extent possible, 1 each from the chemical, civil, electrical, mechanical, and mining disciplines.*

7. Should there be a mandated diversification of PE board member positions by designating certain board member positions to be filled by certain engineering disciplines?

OPTION	PE%	PLS%	PE/PLS%	ANON%	TOTAL%
Yes	47.3	36.6	30.2	46.5	45.7
No	47.3	44.1	61.1	37.2	47.4
No Reply	5.4	19.3	8.7	16.3	6.9

*I think at least one voice from outside the engineering and surveying professions should be added to the board, whatever the make up of the board should turn out to be. The entire board should vote on all matters, but the engineers should address engineering matters & surveyors address surveying matters. I would suggest that a chairman of the board be appointed to serve one year term alternating between the engineer, surveying, and public.*

8. What PE disciplines should be mandated? How many Board members of each?

### CHEMICAL

#	PE	PLS	PE/PLS	ANON	TOTAL
.5 <sup>1</sup>	3	1	1		5
1	767	52	21	9	849
2	3	2	2	0	7
Other	3	1	0	0	4

### CIVIL

#	PE	PLS	PE/PLS	ANON	TOTAL
.5 <sup>1</sup>	1	0	0	0	1
1	1001	62	24	16	1103
2	265	21	9	1	296
Other	3	1	4	0	4

## *Setting of Monumentation*

The Board received a request for an opinion relative to disclaimer language placed on a recorded survey found in a County Courthouse. The disclaimer said ...

*“This is a bonded project, the lot corners and roadway monumentation have not been set, but will be set within one year of the recording of this plat or when the infrastructure is completed. Monumentation has been shown on this plat in the required location. If there are obstructions which prevent setting any of the required monumentation then reference points will be established accordingly.”*

After review and discussion, the Board determined this procedure conflicts with the standards of practice for land surveying in the State of Alabama. The Board further determined to provide notice to the Association of County Commissions of Alabama and each Probate Judge in the State of Alabama that this practice conflicts with the Board’s administrative code and the standards of practice for land surveying in the State of Alabama. Monumentation must be set at the time of the survey.

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## *A Century of Engineering Licensure*

*(Excerpt from NCEES article “After a Century of Engineering Licensure, NCEES Continues to Fulfill a Vision of Leadership”)*

The water we drink, the buildings we work in, the roads we navigate—the work of professional engineers touches all of society. Our health, safety, and welfare depend on the soundness of these infrastructures and the competence of the men and women behind them. Licensure ensures that the engineers who offer services to the public meet the high standards of the profession.

This year marks the 100th anniversary of engineering licensure in the United States. The National Council of Examiners for Engineering and Surveying (NCEES) is celebrating this milestone by recognizing the successes of licensure’s past and preparing for its future.

In 1907, the first engineering licensure law was signed into effect by the Wyoming Legislature, setting a precedent for the engineering licensing boards that now exists in all states, the four U.S. territories, and the District of Columbia. Today, these boards form the National Council of Examiners for Engineering and Surveying (NCEES), a nonprofit organization that provides leadership for the profession by creating and maintaining uniform laws, licensing standards, and professional ethics as well as developing, producing, and scoring the only national engineering licensure examinations.

Trivia: *Who was the nation’s first licensed engineer?* (See p. 12 for the answer)

## Survey (Continued from page 10)

### ELECTRICAL

#	PE	PLS	PE/PLS	ANON	TOTAL
.5 <sup>1</sup>	2	0	0	0	2
1	1206	68	30	18	1322
2	51	2	1	0	54
Other	4	0	0	0	4

### MECHANICAL

#	PE	PLS	PE/PLS	ANON	TOTAL
.5 <sup>1</sup>	2	0	0	0	2
1	1186	73	34	18	1311
2	65	2	2	0	69
Other	0	0	0	0	0

### MINING/PETROLEUM/GEOLOGICAL/MINERAL

#	PE	PLS	PE/PLS	ANON	TOTAL
.5 <sup>1</sup>	12	1	1	0	14
1	452	51	18	6	527
2	2	2	0	0	4
Other	1	0	0	0	1

Notes: 1 - The ".5" found in the first column reflects the desire to have a PE serve for 1/2 the term and a PLS to serve the other 1/2.

9. The Board member term length should be:

OPTION	PE%	PLS%	PE/PLS%	ANON%	TOTAL%
4 Years	60.1	59.7	57.1	51.2	59.9
5 Years	28.3	23.4	29.4	23.3	27.9
Other	6.3	5.9	4.8	7.0	6.2
No Reply	5.3	11.0	8.7	18.5	6.0

Answer to trivia question on  
Page 11:

Charles Bellamy

## COMMON ERRORS ON CERTIFICATE OF AUTHORIZATION APPLICATIONS

The following is a list of common errors made on Certificate of Authorization Applications. These mistakes significantly slow the application process, requiring the return of the application for correction or additional information. Application forms can be downloaded at [www.bels.alabama.gov](http://www.bels.alabama.gov) or requested by calling 334.242.5568.

- No PE/PLS.** Applications cannot be processed pending the approval of PE/PLS licensure. The license must have been approved and a license certificate issued prior to applying for a COA.
- PE/PLS Business Affiliation.** Each COA Application received by the Board is checked against our record file. One item that is checked is the business affiliation of the principal or branch responsible PE/PLS. An applicant can not have a "dual-employed" principal without the approval of the Board. If an applicant is "dual-employed" he/she must complete the COA supplemental form. This problem can sometimes be avoided by the PE/PLS advising the Board in writing (letter, fax or e-mail) of a change in his/her business affiliation.
- PE/PLS Distance From Workplace.** The Alabama Code mandates that all responsible PE/PLS must provide daily oversight of all engineering/land surveying practices offered by his/her firm. This necessitates living a relatively short distance from the place of employment. The Board has ruled that anyone who is listed as a principal or branch responsible PE/PLS for a firm must live within 75 miles of that firm. If not, a letter explaining how there can be daily oversight must accompany the application.
- Wrong Fee Amount.** The fee for original COA's is \$70.00. When renewing the COA, the fee is \$70 (if renewed prior to January 31<sup>st</sup>). If the COA is renewed after January 31<sup>st</sup> there is a \$250 reinstatement fee added to the renewal fee. Our COA forms list the current fees. The most current COA form is dated 07/07 and is available on our website.



## In Memoriam



*The Board has received notice of the deaths of the following licensees:*

### Professional Engineer

Reese E. Mallette	2950	Earnest F. Kiker	9751	Richard G. Mady	21899
Philip R. Poling	3172	Donald C. Sollberger	9768	George E. Fink	22289
Don H. Culley, Jr.	4167	Michael G. Cash	10482	Robert O. Edens	22359
John T. Hubbard	4917	Woodard S. Setzer	12119	Donald H. Charles	23819
George B. Reed	5097	Robert L. Edelblut, Sr.	13097	Wesley D. Davis	26587
Norman F. Gilbert	5783	Tasnim Uddin	14312	Amzi W. Moore	4778
E. Wayne McCain	6297	Joseph F. Fort	15321	<u>Professional Land Surveyor</u>	
Paul E. Black	6514	Freddy Roberts	15419	Lionel E. Joyner, Jr.	4150
Richard C. Walker	6725	Blaise M. Carriere	15903	Henry Bailey	9232
Earl F. Hubacker, Jr.	7309	Francesco B. Corbari	17396	Brian L. Dutton	20630
Hugh W. O'Donnell	7801	Gary W. Gray	18413		
Robert G. Hofer	8883	Alan W. Borton	19758		

### *Proposed Changes to Licensure Law and Administrative Code (Continued from page 1)*

case is heard before the board with the board members ruling on the case. In an effort to streamline the process, the Board is proposing that the ALJ will hear the case, provide the finding of facts and conclusions, and recommended disposition on cases that do not involve technical topics, i.e. lapsed licenses, non-licensees, audit non-compliance, etc. The Board will issue the final rulings taking the ALJ recommendations into consideration. The Board will have the option to hear the entire case themselves.

The proposed changes to the Law and Administrative Code will be available on our web site, [www.bels.alabama.gov](http://www.bels.alabama.gov) under the section labeled "Pending Law and Code Changes". Following each proposed law change is the board's rationale for seeking the change. As always, the Board is asking for your feedback on these changes.





# Board Contact Information

## MAILING ADDRESS

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## WEBSITE

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## EXAM ADMINISTRATION

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## Exam Corner



### Approved Calculators

Only NCEES-approved calculators are allowed in the exam room. The following calculators will be allowed in the exam room beginning with the April 2008 exam administration.

Hewlett Packard – **HP 33s** & **HP 35s**

Casio – All **fx-115** models. Any Casio calculator must contain **fx-115** in its model name.

Texas Instruments – All **TI-30X** and **TI-36X** models. Any TI calculator must contain either **TI-30X** or **TI-36X** in its model name.

### 2008 Exam and Filing Dates

Examination	Exam Date	Filing Deadline
Fundamentals of Engineering	4/12/08 10/25/08	1/15/08 7/1/08
Fundamentals of Land Surveying	4/12/08 10/25/08	1/15/08 7/1/08
Principals & Practices of Engrg	4/11/08 10/24/08	1/15/08 7/1/08
Principals & Practices of LS	4/11/08 10/24/08	1/15/08 7/1/08
Alabama Standards History & Law	2/20/08 4/11/08 8/08 10/26/08	1/15/08 1/15/08 7/1/08 7/1/08

## CHEATING ON EXAMS IS SERIOUS BUSINESS

ELSEES (a division of the National Council of Examiners for Engineers & Surveyors), administers over 23,000 examinees per exam administration. For the October 2006 administration, 14% of the answer sheets were flagged for suspected collusion (fraud or cheating). ELSEES director Susan Whitfield states “Many of these candidates who will attempt to collude ... during the exams are very good at what they’re trying to do”.

Collusion is a serious offense and could have a very negative impact on the applicant’s future. An article was written in the June 2007 edition of NCEES’ *Licensure Exchange* chronicling the impact of one such instance of abuse. One Civil PE exam candidate decided to make the following post on [www.engineerboards.com](http://www.engineerboards.com): “I know its (sic) not cool to go over the PE questions, but can’t help it!!! (I) ... want to confirm the answer.” The question the applicant was struggling with had to do with calculating the tensile force for a steel rod. He didn’t expect that the post would be read by Tim Miller, NCEES Exam Development Engineer. Tim promptly had it removed and contacted the site’s administrator for the poster’s e-mail and IP address. Undoubtedly, this candidate felt this was no big deal. He was wrong! The posting of such questions from one of the exams breached the agreement he had signed, pledging not to divulge exam content.

Bob Whorton, NCEES’ Compliance and Security manager states “this candidate’s ability to take an exam at a future administration would depend on whether or not a state board allows him to do so.”

NCEES performs a “collusion analysis” on all exams. The purpose of this analysis is to identify any potential security breaches. A report is then provided to the appropriate State Board. If collusion is indicated, the State Board investigates the matter before a decision is made to accept or void the exam results. If a candidate is found to have been cheating, he/she can be prevented from re-testing for a period up to 3 years, or have his/her application denied.

Cheating on exams is serious business. No matter how you slice it, it’s not worth the risk or the cost!



## RENEW ONLINE WITH NO ADDITIONAL FEE

On October 1, 2007 your 2008 PE/PLS/EI/LSI License Renewal will be available at [www.bels.alabama.gov](http://www.bels.alabama.gov). You told us you didn't want to pay the additional convenience fee, and we listened. This year there will be **no additional fee for online renewals**. This is the fastest, most efficient way to renew your individual license.

Corporations may also renew their Certificates of Authorization online beginning December 1, 2007.

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PO Box 304451  
Montgomery, AL 36130-4451

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### **Board Members** 2007-2008

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